

Permitting and Assistance Branch Staff Report
New Minor Waste Tire Facility Permit for Tire Hauler & Recyclers
TPID No. 1707268
January 9, 2013

Background Information and Analysis:

This report was developed in response to a New Minor Waste Tire Facility Permit (WTFP) application received by the owner and operator of Tire Hauler & Recyclers, located at 916 South Center Street, in the City of Stockton (San Joaquin County). Tire Hauler & Recyclers operates on 0.49 acres with an existing warehouse located within an Industrial, General (IG) zone. Tires will be stored indoors and outdoors.

An application for a Minor WTFP was received by Permitting and Assistance Branch staff on December 5, 2012 and accepted as complete on December 19, 2012. Pursuant to Title 14, California Code of Regulations (14 CCR), Section 18425, CalRecycle has 180 calendar days from the date the application is accepted as complete to either issue or deny the issuance of a Minor WTFP. CalRecycle is required to act by June 17, 2013.

Findings:

Staff recommends approval of the issuance of the proposed WTFP. All of the required submittals and findings required by 14 CCR, Section 18431 have been met to support issuance. The findings that are required to be made by CalRecycle when reaching a determination are summarized in the table below. The documents on which staff's findings are based are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

The following table summarizes staff's findings relative to the permit application:

	Findings	
Compliance with Tire Storage Standards, 14 CCR, Sections 17350-17356	Mr. Alfonso Arumbula, of the San Joaquin County Environmental Health Department, Tire Enforcement Agency (TEA), conducted an inspection of the facility on October 26, 2012 and no violations were cited. See additional compliance information below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Application Forms (500-504) - 14 CCR, Sections 18431(a) through (f)	All application forms were accepted by PAB staff as complete on December 19, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Local Requirements 14 CCR, Section 18431(h)	<i>Local Vector Control:</i> The operator obtained vector control authority approval from Mr. Eddie Lucchesi of the San Joaquin County Mosquito & Vector Control District on September 20, 2012. <i>Local Fire Authority:</i> The City of Stockton Fire Department (Mr. Patrick Chase) approved the fire prevention measures for both indoor and outdoor tire storage on December 5, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

California Environmental Quality Act (CEQA)	PAB staff determined that the issuance of the Minor WTFP is statutorily exempt from the requirements of CEQA. See additional CEQA information below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Reviewed by: CalRecycle Legal Office	January 9, 2013	
Waste Evaluation and Enforcement Branch	December 27, 2012	

Compliance History:

The location was first inspected by Mr. Alfonso Arumbula with the San Joaquin County Tire Enforcement Agency (TEA) on June 22, 2012. A violation was issued due to the operator not retaining copies of the manifest forms as required by 14 CCR, Section 18462(b). The TEA conducted a re-inspection of the operation on September 27, 2012 and noted that the violation of 14 CCR, Section 18462(b) during their June 22, 2012 inspection was corrected; however, a violation of PRC, Section 42834 was issued for the storage of over 500 waste tires without a waste tire facility permit (TEA estimated 987 waste tires on-site during the inspection). On October 26, 2012, the TEA conducted a re-inspection of the operation and found the facility to be in compliance with applicable state minimum standards (TEA estimated 458 waste tires on-site during the inspection). PAB staff conducted a site visit on November 20, 2012, to review site conditions.

Environmental Analysis:

Under the California Environmental Quality Act (CEQA), CalRecycle must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed Minor WTFP before CalRecycle issues that permit. In this case, CalRecycle is a lead agency under CEQA and must make a determination as to whether this proposed WTFP is categorically or statutorily exempt or additional CEQA analysis is necessary in the form of a Negative Declaration or Environmental Impact Report.

The proposed WTFP is considered to be a project under CEQA [CEQA Guidelines 15378(a)(3)] and the facility is required to obtain a WTFP pursuant to 14 CCR, Section 18420, for the storage of up to 4,999 waste tires.

The City of Stockton issued two Business Licenses on April 30, 2012 and May 31, 2012. The Business Licenses allow for Tire Hauler & Recyclers to receive and distribute tires. The facility is consistent with the City of Stockton's zoning designation and General Plan.

Staff prepared a Preliminary Review to determine whether a Categorical or Statutory Exemption is adequate for CalRecycle's approval of this Minor WTFP. The Preliminary Review indicates that the proposed project:

- Involves the operation of an existing facility within the permitted land use;
- Involves no expansion of use beyond that existing at the time of permit issuance;
- Does not allow relaxation of standards leading to environmental degradation;
- Would have no significant environmental impacts; and
- There are no additional cumulative environmental impacts.

CalRecycle staff made the finding/determination that a Statutory Exemption: General Rule Exemption, 14 CCR, Section 15061(b)(3), is appropriate for CalRecycle's issuance of this proposed Minor WTFP.

Staff recommends that CalRecycle, acting as a lead agency under CEQA, prepare a Notice of Exemption, based on the General Rule Exemption, to be filed with the State Clearinghouse after CalRecycle's issuance of the Minor WTFP, in that the activity is not subject to further CEQA review. Further, there are no grounds under CEQA for CalRecycle to prepare any additional environmental documents.

Staff further recommends the General Rule Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within CalRecycle's expertise and authority, or which are required to be carried out or approved by CalRecycle.

The administrative record for the decision to be made by CalRecycle includes the proposed Minor WTFP and all of its components and supporting documentation, this staff report, the Notice of Exemption and other documents and material utilized by CalRecycle in reaching its decision on issuing this permit. The custodian of CalRecycle's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comment

Department staff provided an opportunity for public comment during CalRecycle's Monthly Public Meeting on January 15, 2013. No public comments have been received by CalRecycle staff.

Attachment: Minor WTFP